

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARL LEE CLARK JR.,

Petitioners,

-against-

CHRISTOPHER MILLER, DEPARTMENT OF  
CORRECTIONS SUPERINTENDENT,

Respondent.

19-CV-4757 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated September 24, 2019, the Court directed Petitioner to file an amended petition within sixty days. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an amended petition.<sup>1</sup> Accordingly, the petition, filed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915(a)(1), is dismissed.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

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<sup>1</sup> From October 7, 2019, through November 22, 2019, Petitioner filed eight “Affidavits of Fact” (ECF Nos. 18 – 25) and one letter (ECF No. 26), but these documents do not comply the with Court’s September 24, 2019 Order to Amend.

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 10, 2019  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is positioned above a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge